

FILED
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2004 AUG -5 P 3:08

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

BY: _____
DEPUTY CLERK

LISA MARIE JUSTET and TOM
JUSTET,

Plaintiffs,

vs.

KANE COUNTY, et al.,

Defendants.

MEMORANDUM DECISION AND
ORDER GRANTING KANE
COUNTY, UTAH'S COMBINED
MOTION TO DISMISS AND/OR
MOTION FOR JUDGMENT ON
THE PLEADINGS AND
DISMISSING THE SECOND,
THIRD, FOURTH, FIFTH AND
SIXTH CAUSES OF ACTION

Case No. 2:04-CV-272 TS

This matter is before the court on Kane County, Utah's Combined Motion to Dismiss and/or Motion for Judgment on Pleadings.

Defendant Kane County moves to dismiss all claims other than Defendant Lisa Marie Justet's first cause of action for violation of Title VII. Mrs. Justet's other claims are the second cause of action for intentional infliction of emotional distress, the third cause of action for negligent infliction of emotional distress and the fourth cause of action for

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wrongful termination. Plaintiff Tom Justet brings the fifth cause of action for wrongful termination, and the sixth cause of action for retaliation. Defendant Kane County moves to dismiss the second, third, fourth, fifth and sixth causes of action for the failure to comply with the notice requirement of the Utah Governmental Immunity Act.

Plaintiff have not responded to the Motion and have not shown compliance with the notice requirement. It is therefore

ORDERED that Defendant Kane County, Utah's Combined Motion to Dismiss and/or Motion for Judgment on Pleadings is GRANTED. It is further

ORDERED that second, third, fourth, fifth and sixth causes of action ARE DISMISSED.

DATED this 5th day of August, 2004.

BY THE COURT:



TED STEWART
United States District Judge

jmr

United States District Court
for the
District of Utah
August 5, 2004

* * CERTIFICATE OF SERVICE OF CLERK * *

Re: 2:04-cv-00272

True and correct copies of the attached were either mailed, faxed or e-mailed
by the clerk to the following:

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